

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**RAMONT A. PANNELL,
TDCJ No. 1571314,**

Petitioner,

V.

**WILLIAM STEPHENS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

CIVIL NO. SA-15-CA-163-XR (HJB)

ORDER DENYING POST-JUDGMENT MOTIONS

The matter before the Court are (1) Petitioner's motion for Certificate of Appealability, filed May 22, 2015 (ECF no. 9), and (2) Petitioner's motion for leave to proceed In Forma Pauperis on appeal, filed May 22, 2015 (ECF no. 10). For the reasons set forth below, both motions will be denied.

Background

In a Memorandum Opinion and Order and Judgment issued May 5, 2015, this Court summarily dismissed Petitioner's federal habeas corpus action pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (ECF no.s 7 & 8). Petitioner complained in his original and amended petitions about the refusal of state parole authorities to release him from custody once he became eligible for release on parole and the alleged loss of good conduct time credits he claimed to have suffered. This Court explained that Petitioner, like other Texas prisoners, possesses no constitutionally protected liberty interest in obtaining release on parole. Likewise, this Court explained that, because Petitioner is statutorily ineligible for release on

mandatory supervision, his complaint about his alleged loss of good conduct time credits does not implicate any liberty interest or support a federal constitutional Due Process claim. This Court also denied Petitioner a Certificate of Appealability because the authorities barring Petitioner's claims in this Circuit are well-settled and their application to Petitioner's claims is not subject to disagreement among jurists of reason.

Certificate of Appealability

For the reasons set forth in Section III of this Court's Memorandum Opinion and Order issued May 5, 2015 (ECF no. 7), Petitioner is not entitled to a Certificate of Appealability in this cause.

In Forma Pauperis on Appeal

Petitioner's motion for leave to proceed In Forma Pauperis on appeal is accompanied by a certified copy of petitioner's TDCJ inmate trust account statement which indicates Petitioner currently lacks sufficient financial resources to pay the five hundred five dollar appellate filing fee in this cause. Petitioner previously paid the initial filing fee in this Court.

An appeal is taken in good faith if it raises legal points that are arguable on the merits and thus non-frivolous. *McGarrah v. Alford*, 783 F.3d 584, 584 (5th Cir. 2015); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). An appeal may not be taken In Forma Pauperis if the trial court certifies in writing that it is not taken in good faith. *Garza v. Thaler*, 585 F.3d 888, 890 (5th Cir. 2009); 28 U.S.C. §1915(a)(3); Rule 24(a), FED.R.APP.P.

For the reasons set forth in this Court's Memorandum Opinion and Order (ECF no. 7), incorporated by reference herein, Petitioner's appeal from this Court's dismissal of Petitioner's federal habeas corpus petition is not taken in good faith. Petitioner possesses no federal

constitutional liberty interest in either obtaining his release on parole or in any good conduct time credits he claims to have lost. The authorities relied upon by this Court in summarily dismissing Petitioner's claims are not subject to debate by reasonable jurists. Petitioner is not entitled to a Certificate of Appealability and his appeal raises only frivolous issues which the Fifth Circuit has previously rejected on multiple occasions.

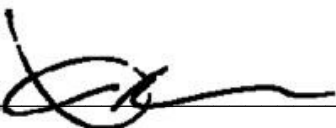
Accordingly, it is **ORDERED** that:

1. Petitioner's request for a Certificate of Appealability, filed May 22, 2015 (ECF no. 9) is **DENIED**.

2. Petitioner's motion for leave to proceed In Forma Pauperis on appeal, filed May 22, 2015 (ECF no. 10), is **DENIED**.

3. This Court **CERTIFIES**, pursuant to Rule 24(a)(4)(B), FED.R.APP.P., that Petitioner's appeal in this cause is not taken in good faith.

SIGNED this 2nd day of June, 2015.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE